

## **Abstract in English**

Death as a natural legal fact relates to every natural person. Law of succession, which is a component of general private law, affects life of every individual. The reason of this is the fact that the property relations that do not terminate by a death of an individual or do not succeed by a special succession are to be solved by a usage of this branch of law regulations.

The purpose of my work is to put Heritage law into a system of law, shortly describe all conditions for acquiring inheritance, one of which is a succession title. I concentrate on a problematic of Testament, which is one of the succession titles, by comparing relevant regulations of a Civil code no 40/1964 Sb. (hereinafter referred to as: "CC") and a new Civil code (hereinafter referred to as: "NCC") no 89/2012 Sb., coming into effect on 1<sup>st</sup> January 2014.

The thesis is composed of seven chapters. Chapter one contains a short introduction of the topic while Chapter two and three contain a short insight into the problematic of the Law of succession in general and the basic terminology like Inheritance (Succession) and Heritage. Chapter four focuses on Conditions of acquiring inheritance and it is subdivided into four parts, each of which describing one of such conditions – death of a person, existence of heritage, existence of capable heir and the fact that this heir does not refuse the heritage. Chapter five then investigates the fifth condition - a Succession title, one of which is the Testament itself. The reason of this wide introduction is the fact that the problematic of Testament is very closely related to other institutes of the Law of succession and it is simply not possible to describe it without any mention of them.

The Sixth voluminous chapter illustrating the Testament is the core of the work itself and it is subdivided into seven parts. Part one describes the Term of Testament, Part two deals with the problematic of Incapability of Testator. Parts three and four that are further subdivided into subparts are the longest ones focusing on the Testament's content and form, following parts deal with Annulment of Testament, Temporary and Final Provisions of the NCC relating to the problematic of Testament and finally a part containing information about Central evidence of Testaments. Because of the fact that CC has quite little mention of Testament, or Heritage law in general, it is important to use also judicature – the aim of this work is to describe relevant institutes not just within the meaning of Civil code, but also within the meaning of this judicature, which is, when speaking about the problematic of Testament or Heritage law in general, very numerous and significant. I compare relevant

institutes occurring in both, CC and NCC and analyse new (or re-established) institutes, which are not included in CC.

Part seven, a conclusion, is the last part which critically evaluates both legislations relating to the problematic of Testament, the contemporary and the new one. Its purpose is to depict their advantages and disadvantages, to show that there are many points of view on this matter and that it is a practice that will give us a clear answer to all these questions.